



Press Release

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EU passenger rights are comprehensive, but passengers still need to fight for them, say Auditors

The EU system of passenger rights is well developed, but passengers need to fight hard in order to benefit from them, according to a new report from the European Court of Auditors.

Passengers are often not aware of their rights and lack practical information on how to obtain them, say the auditors. They make a number of recommendations for improvement, including automatic compensation for delays in certain situations, so that passengers do not have to claim for themselves. They also provide ten tips to help make all passengers' travel experiences better.

The European Commission has established a set of core EU passenger rights common to the four modes of public transport - air, rail, waterborne and bus. The rights are guaranteed for each transport mode, although the extent of coverage and specific rules differ from one regulation to another.

To examine whether passenger rights are effectively protected, the auditors visited the Czech Republic, Germany, Ireland, Greece, Spain, France, Italy, the Netherlands, Poland and Finland and conducted two passenger surveys. They found that the extent of the regulations makes the EU framework unique globally. However, many passengers are not sufficiently aware of their rights and frequently do not obtain them due to problems with enforcement. In addition, while the core rights are meant to protect all passengers, the extent of protection depends on the mode of transport used.

"The EU's commitment to passenger rights is indisputable," said George Pufan, the Member of the European Court of Auditors responsible for the report. "But to best serve passengers' interests, the system needs to be more coherent, more user-friendly and more effective."

Numerous provisions in the regulations can be interpreted differently, and the amount of compensation provided for does not maintain its purchasing value, since there are no provisions for adjusting it for inflation. Limitations on the jurisdiction of National Enforcement Bodies and various exceptions significantly narrow the coverage of passenger rights, say the auditors.

The purpose of this press release is to give the main messages of the special report adopted by the European Court of Auditors. The full report is on www.eca.europa.eu.

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The level of awareness among passengers remains relatively low, and awareness campaigns could have provided more practical guidance on what to do in cases of travel disruption. The current system of compensation places a significant burden on both carriers and passengers, and the procedures are not transparent. Passengers on the same journey can be treated differently and the approach to enforcing rights varies by mode of transport and Member State.

Karol, a passenger who replied to the auditors' survey, related his experience: *"All flights from Gdańsk were delayed because of bad weather. When air traffic was restored, the plane allocated to my route was eventually used to operate another flight. I filed a complaint, as did other passengers from my flight. Some of us did not get any compensation while others did, although the conditions for the delay were the same"*.

Greta also participated in the survey: *"I missed a train connection in Prague on a journey from Düsseldorf to Krakow. The through-ticket was sold by the German carrier, but part of the journey was operated by a Czech carrier. Due to the delay, the journey could only continue the next day. Both rail companies denied me hotel accommodation and I had to book a hotel in Prague at my own expense. Neither of the two felt responsible for reimbursing this cost or providing the compensation due for the delay"*.

European Commission monitoring has led to clarification of the regulations, say the auditors. However, because the Commission does not have a mandate to ensure enforcement, there are discrepancies in the application of passenger rights.

The auditors make a number of recommendations for improvement:

- increase the coherence, clarity and effectiveness of EU passenger rights; this should include obliging carriers to explain the causes of disruption within 48 hours and to make automatic compensation payments;
- increase passenger awareness;
- further empower National Enforcement Bodies and enhance the mandate of the Commission.

Notes to Editors

The auditors contacted carriers, public authorities and ordinary passengers. Based on this, they offer 10 tips to make anyone's travel experience better if their journey is disrupted:

1. Personalise your travel as much as possible – when purchasing a ticket, identify yourself to the carrier, e.g. provide your contact details. Being informed about disruptions only works when carriers have your contact details. Also, if you need claim for compensation, a personalised ticket is the best way of demonstrating that you were actually on board and affected by disruption.
2. Take a photo of your luggage – when your journey involves checking in luggage, it is a good idea to have a photo of your suitcase and its contents. This will save time when filing a claim and will provide some proof of the value of lost items.

3. Don't arrive late at the check-in desk – it is important to remember that passenger rights only apply if you check in on time. If you miss your departure because the check-in desk was already closed when you arrived, you are not eligible for assistance.
4. Request information at the points of departure – you have a right to be updated if your departure is delayed, or if anything else goes wrong with your journey. If the carrier's representative is not present or does not provide meaningful information, make a note of it and include this observation in the claim you make to the carrier.
5. Always request assistance – if you experience a long delay or cancellation on any mode of transport, you have a right to assistance. This means access to water and a snack or a meal. If the carrier's representatives do not provide such amenities on their own initiative, request them. If you are refused, make a note of it and include this observation in the claim you make to the carrier.
6. Keep all receipts – if assistance is not provided at the point of departure (airport, bus or train station, harbour) or you are departing from a remote location (a bus stop) you can ask the carrier to compensate your additional costs. Carriers usually request proof of payment for drinks and snacks, and may refuse if the number of items is not in line with the length of delay, or if the costs are unreasonably high. Similar principles apply if you have to find your own accommodation to wait for another departure the following day.
7. Request proof of delay or cancellation – in all four modes of transport, passengers are entitled to compensation for long delays and cancellations. Although the rate of compensation and the minimum waiting times are different between the modes, the obligation to prove that you were affected is the same for all. If your ticket did not have your name on it, obtain proof at the station or on board that you were affected by the specific delay or cancellation.
8. Do not make your own arrangements without hearing first a proposal from the carrier – with travel disruption you usually want to continue travelling immediately using another carrier or by another means of transport. We recommend not to act rashly: buying a new ticket, without receiving alternative options proposed by the carrier, is tantamount to unilaterally cancelling your contract of carriage. This ends any obligation of the original carrier to offer you assistance or compensation.
9. Request for compensation – if you can demonstrate that you have been affected by a delayed or cancelled departure, and that the duration of the delay was above the threshold set out in the regulation, submit a compensation request to the carrier. Always refer to the specific departure and the Regulation applicable. If you do not receive a reply from the carrier or you are not satisfied with it, refer the case to the National Enforcement Body of the country of departure. The other organisations that can help you are Alternative Dispute Bodies (ADRs) and claim agencies. Bear in mind that you may be charged for these services.
10. Request compensation for additional expenditure – in some cases your loss due to a delay or cancellation is much greater than the amount due to you under EU passenger-rights compensation rules. In such cases, you can make a claim to the carriers pursuant to international conventions. You should be prepared to demonstrate the exact amount of your losses, and the extra expenditure incurred due to the travel disruption.

The ECA presents its special reports to the European Parliament and Council of the EU, as well as to other interested parties such as national parliaments, industry stakeholders and representatives of civil society. The vast majority of the recommendations we make in our reports are put into practice. This high level of take-up underlines the benefit of our work to EU citizens.

Special report 30/2018 “EU passenger rights are comprehensive but passengers still need to fight for them” is available on the ECA website (eca.europa.eu) in 23 EU languages.